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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**

8 **UNITED STATES OF AMERICA,**

9 Plaintiff,

10 v.

11 **IMPULSE MEDIA GROUP, INC.,**  
12 a Washington corporation,

13 Defendant.

14 **No. CV05-1285L**

15 **Declaration of Chad R.**  
16 **Bundy**

17 I, Chad R. Bundy, declare as follows:

18 1. I am an attorney at Preston Gates & Ellis, LLP. I have knowledge of the facts  
19 set forth in this declaration, and I am competent to testify thereto.

20 2. I represent Microsoft Corporation in certain matters relating to unsolicited  
21 commercial e-mail, commonly referred to as "spam." In that regard, I have access to a secure  
22 database of e-mail messages collected by Microsoft to analyze whether mail coming into its  
23 MSN and MSN Hotmail services complies with its Terms of Use and Anti-Spam Policy.

24 3. The e-mail in that database comes from a substantial number of MSN Hotmail  
25 e-mail accounts that are owned by Microsoft (the "Hotmail trap accounts"). These Hotmail  
26 trap accounts were established by Microsoft in its efforts to combat spam.

4. In or around November 2004, February 2005, and April 2006, I was asked to  
perform searches of the Hotmail trap accounts on behalf of the Federal Trade Commission

United States' MSJ Exhibit 3

DECLARATION OF CHAD R.

BUNDY - 1

Case No. CV05-1285L

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1 ("FTC"). The FTC requested unsolicited "spam" e-mail messages that contained certain  
 2 specific domain names or other search terms. In addition, the FTC requested unsolicited  
 3 "spam" e-mail messages advertising websites associated with Impulse Media Group, Inc.,  
 4 ("IMG").

5       5. Through Microsoft's vendor who maintains the database, I requested and  
 6 received all of the e-mail messages matching the FTC search terms, along with Excel  
 7 spreadsheets containing the header information for each e-mail message.

8       6. Many of the received messages caught in the Hotmail trap accounts contained  
 9 images within the message body. In order to preserve the images in those messages – in the  
 10 event that the image source became inactive -- I forwarded the email messages to another  
 11 vendor to make copies of the messages in Adobe PDF format. Adobe PDF files look exactly  
 12 like original documents, and the Adobe PDF copies of the e-mails reflect what a recipient of  
 13 the e-mails would have seen at the time.

14       7. I ran the e-mail messages through a utility tool to extract all the Uniform  
 15 Resource Locators ("URLs") from each of the messages. The URLs, commonly referred to as  
 16 the "links" in the e-mail messages, show the websites or Internet locations to which a viewer  
 17 would be directed if he clicked on the links in the e-mails. Results for these extractions were  
 18 saved in Excel spreadsheets.

19       8. Using the publicly available web capture utility tool, HTTrack, I created  
 20 HTML web captures of some of the URLs. An HTTrack HTML web capture allows a user to  
 21 download a website from the Internet to a local directory, building recursively all directories,  
 22 getting HTML, images, and other files from the server to the user's computer. HTTrack  
 23 arranges the original site's relative link-structure. It essentially captures a "mirror image" of  
 24 the website, and stores it on the user's computer. By opening a page of the "mirrored"  
 25 website, a user can browse the site from link to link, as if he were viewing it online.

26       9. In some instances, web captures of the URLs were also made using the Adobe

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DECLARATION OF CHAD R.

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1 Acrobat web capture utility. Adobe Acrobat web captures create PDF files of the URLs.  
2 Adobe PDF files look exactly like original documents and show what a user would see at the  
3 website at the time of the capture.

4 10. Using the HTTrack web captures, I created Excel spreadsheets summarizing  
5 the HTML web captures of the URLs. The summaries noted messages URLs, redirect URLs,  
6 if any, and the ultimate destination URL.

7 11. Finally, by uploading the data to the Preston Gates & Ellis ".ftp" server, I  
8 provided to the FTC the email messages, PDF email messages, HTTrack HTML and Adobe  
9 web captures, and all Excel spreadsheets summarizing the email messages and web captures.

10  
11 I declare under penalty of perjury that the foregoing is true and correct:  
12  
13 EXECUTED this 8<sup>th</sup> day of August, 2006 at Seattle, WA.

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CHAD R. BUNDY

United States' MSJ Exhibit 3

DECLARATION OF CHAD R.

BUNDY - 3

Case No. CV05-1285L

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